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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,490	05/02/2001	William Eggers	00860/RPM	6266

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EXAMINER

ZIMMERMAN, BRIAN A

ART UNIT	PAPER NUMBER
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2635

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DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/847,490

Applicant(s)

EGGERS, WILLIAM

Examiner

Brian A Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **EXAMINER'S RESPONSE**

### **Status of Application**

In response to the applicant's amendment received on 5/6/04. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 1-33 are unpatentable for the reasons set forth in this office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. **It is important that the abstract not exceed 150 words** in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 102***

1. Claims 1,2,10,11,12,16,17,19,27,28 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Green (6366196).

Green shows a call box where the customer can summon assistance. The device includes a plurality of manual requestors T1,T2... that transmit a request signal upon manual actuation by the customer. The system includes a base station CU (see abstract) receives request signals from T1,T2... and forwards the request to a plurality of remote communicators W1,W2...associated with a particular requestor and provides a display of requests to service personnel. The service requests are displayed in priority order where priority is attributed to the message based upon when it was received (i.e. chronological order). See col. 8 lines 30+.

***Claim Rejections - 35 USC § 103***

2. Claims 1,2,10,11,12,16,17,19,27,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green and Chaco (5689229).

Green shows a call box where the customer can summon assistance. The device includes a plurality of manual requestors T1,T2... that transmit a request signal upon manual actuation by the customer. The system includes a base station CU (see abstract) receives request signals from T1,T2... and forwards the request to a plurality of remote communicators W1,W2...associated

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with a particular requestor and provides a display of requests to service personnel. The service requests are displayed chronological order. See col. 8 lines 30+.

In an analogous art, Chaco shows displaying requests in priority order to provide services to requestors based on the requestor's need. See col. 25 lines 29-31.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the priority order display of requests as suggested by Chaco since it would provide services to requestors based on the requestor's need in the Green system.

3. Claims 3,4,7,8,9,15,20,21,24-26,31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claims 1 and 2 above, and further in view of Koga (6021313).

In an analogous art, Koga shows a selective call receiver that displays messages. Koga displays the time of the message in addition to the message so that the user can easily determine the newness and importance of the message. See abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included the display of the time of the message in the Green messaging system to assist the user (service personnel) in determining the importance of the message.

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4. Claims 5,22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 1 above, and further in view of Sharpe (5363377).

In an analogous art, Sharpe shows a selective call receiver that displays messages. In addition to the messages being displayed, Sharpe also displays the current time. See abstract, col. 4 lines 51+, and col. 6 lines 54+. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included the display of the current time in the Green messaging system to assist the user (service personnel) in determining the importance of the message.

5. Claims 6,13,23 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 1 above, and further in view of Chaco (5689229).

In an analogous art, Chaco shows a call box system where the request display can display if a requestor has made more than one request in a time period and assigns priority levels to the request messages. See col. 25 lines 15+. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included an indication of the priority and duplication of messages in the Green messaging system to assist the user (service personnel) in determining the importance of the message.

6. Claims 14,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green as applied to claim 1 above, and further in view of Hwang (5920271).

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In an analogous art, Hwang shows a selective call message display device that uses different fonts or bold typeface to show the importance of the message. See col. 5 lines 57+. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used bold typeface as an indication of the priority of messages in the Green messaging system to assist the user (service personnel) in determining the importance of the message.

### ***Response to Arguments***

Applicant's arguments filed 5/6/04 have been fully considered but they are not persuasive.

The applicant argues that Green does not suggest displaying the list of service requests in priority order as set forth in claim 1. In one respect Green does perform this manner since the service requests are displayed in priority order where priority is attributed to the message based upon when it was received. Alternatively Chaco teaches priority order displaying of service requests. Furthermore, if we take the interpretation that priority and chronological order are different, then claim 2 is not supported by the original specification since there is no embodiment disclosed that performs display of the requests in both priority and chronological order.

The applicant argues that there is no disclosure in Chaco teaching enabling service personnel to note whether a customer has made more than one request for service in a particular time period (claims 6 and 13). This claim is

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broader than the applicant argues. Claim 6 requires "...the remote communicators is configured to enable service personnel ... to note whether a customer has made more than one request for service in a time period." Since Green displays all the service requests it meets the claimed limitation. Green displays the service requests; this provides the service personnel the capability of noting whether the customer has made more than one request for service in a time period.

Regarding claim 10, the applicant argues that Green does not disclose the remote communicators providing indication as to which of the plurality of requestors are associated with the corresponding communicators. As the applicant points out, Green teaches the pager unit worn by the waiter includes an indication of the requestor associated with the pager unit. For example, figure 8 of Green shows that a request is from stations 22-K-18-B. Since K (kitchen) and B (Bar) are associated with all pager units, these are displayed. But this example also shows that stations 22 and 18 are associated with this waiter pager.

Regarding claim 17, the applicant argues that the Green does not provide the ability to dynamically change the association of the remote communicators and requestors. The abstract of Green discusses a program mode where the pager units are programmable to alter pager/table assignments.



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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A Zimmerman  
Primary Examiner  
Art Unit 2635

BAZ